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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/626,133	07/23/2003	Paul Kenneth Pickard	N0023/287661	9372	
7590	07/12/2005		EXAMINER NEGRON, ISMAEL		
John S. Pratt, Esq. Kilpatrick Stockton LLP Suite 2800 1100 Peachtree Street Atlanta, GA 30309-4530			ART UNIT		PAPER NUMBER
			2875		
DATE MAILED: 07/12/2005					

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/626,133

Applicant(s)

PICKARD ET AL.

Examiner

Ismael Negron

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 10-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/15/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Title

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: **Housing Including Concavity for Receiving Fixed or Movable Optical Assembly.**

Abstract

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it repeats information given in the title, and uses phrases which can be implied. Correction is required. See MPEP § 608.01(b).

Specification

3. The disclosure is objected to because of the following informalities: line 19 of page 13 should read "*face portion 22 to engage back plate 44 to face portion 22. Simultaneously, upper portion of edges of*".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 3-6 are rejected under 35 U.S.C. 102(b) as being anticipated by WEGRZYN et al. (U.S. Pat. 6,019,477).

5. WEGRZYN et al. discloses an illumination device having:

- **a housing (as recited in Claim 1), as seen Figure 8;**
- **the housing having at least one concavity (as recited in Claim 1), Figure 8, reference number 90;**
- **the concavity being such that a movable optical assembly and a fixed optical assembly may be interchangeably mounted (as recited in Claim 1), inherent as evidenced by Figure 14;**
- **the housing having a front portion (as recited in Claim 3), Figure 2, reference number 10;**
- **the housing having a back portion (as recited in Claim 3), Figure 2, reference number 20;**
- **the front and back portion being capable of being releasably engaged (as recited in Claim 3), column 2, lines 44-47;**
- **a chamber (as recited in Claim 3), as seen in Figure 8;**
- **the chamber being defined by the front and back portions when engaged (as recited in Claim 3), as seen in Figure 8;**
- **the chamber containing operational components of illumination device (as recited in Claim 3), as seen in Figure 8;**
- **the front and the back portion being unitary structures (as recited in Claim 4), as seen in Figure 8;**
- **the front and back portions being formed of a plastic material (as recited in Claim 4), column 4, lines 51-58;**

- **the front and the back portion snap-fit together (as recited in Claim 5), column 2, lines 44-47;**
- **the front portion including sloped projections (as recited in Claim 6), as seen in Figure 8;**
- **the back portion including receiving projections (as recited in Claim 6), as seen in Figure 8;**
- **the projections extending from an interior surface of the portions (as recited in Claim 6), as seen in Figure 8;**
- **surfaces of the sloped projections biasing against surfaces of the receiving projections upon engagement of the front and back portion (as recited in Claim 6), as evidenced in Figure 8;**
and
- **the engagement of the projections being for transferring weight associated with the front portion and the operational components to a structure of a building to which the back portion is mounted (as recited in Claim 6), inherent.**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over WEGRZYN et al. (U.S. Pat. 6,019,477).

7. WEGRZYN et al. discloses an illumination device having:

- **a housing (as recited in Claim 1), as seen Figure 8;**
- **the housing having at least one concavity (as recited in Claim 1), Figure 8, reference number 90; and**
- **the concavity being such that a movable optical assembly and a fixed optical assembly may be interchangeably mounted (as recited in Claim 1), inherent as evidenced by Figure 14;**
- **each concavity including a first opening (as recited in Claim 2), Figure 12, reference number 44; and**
- **the first opening receiving a portion of a movable optical assembly when a movable optical assembly is mounted in the concavity (as recited in Claim 2), as seen in Figure 12.**

8. WEGRZYN et al. discloses all the limitations of the claims, except:

- **each concavity also including a second opening (as recited in Claim 2); and**
- **the second opening receiving a portion of a fixed optical assembly when a fixed optical assembly is mounted in the concavity.**

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9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a second opening to each of the concavities of WEGRZYN et al. as desired or required by the particulars of a given application, since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Utilizing such second opening for receiving a portion of a fixed optical assembly was considered without patentable weight as it refers to the intended use of the second opening without structurally differentiating such second opening from the opening disclosed by WEGRZYN et al..

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over WEGRZYN et al. (U.S. Pat. 6,019,477) in view of COHEN (U.S. Pat. 3,302,918).

11. WEGRZYN et al. discloses an illumination device having:

- **a housing (as recited in Claim 1), as seen Figure 8;**
- **the housing having at least one concavity (as recited in Claim 1), Figure 8, reference number 90;**
- **the concavity being such that a movable optical assembly and a fixed optical assembly may be interchangeably mounted (as recited in Claim 1), inherent as evidenced by Figure 14;**
- **the housing having a front portion (as recited in Claim 3), Figure 2, reference number 10;**

- **the housing having a back portion (as recited in Claim 3),**
Figure 2, reference number 20;
- **the front and back portion being capable of being releasably**
engaged (as recited in Claim 3), column 2, lines 44-47;
- **a chamber (as recited in Claim 3),** as seen in Figure 8;
- **the chamber being defined by the front and back portions**
when engaged (as recited in Claim 3), as seen in Figure 8; and
- **the chamber containing operational components of**
illumination device (as recited in Claim 3), as seen in Figure 8.

12. WEGRZYN et al. discloses all the limitations of the claims, except:

- the front portion receiving a printed circuit board (as recited in
Claim 7);
- the circuit board including projections carrying electrical contact
pads (as recited in Claim 7);
- the back portion mounting electrical contacts (as recited in Claim
7);
- the electrical contacts being connected to a power source (as
recited in Claim 7);
- the power source being external to the housing (as recited in Claim
7);

- the back portion guiding the projections of the printed circuit board into engagement with the electrical contacts to form at least a portion of an electrical circuit, upon engagement of the front portion and the back portion (as recited in Claim 7).

13. COHEN discloses an illumination device having:

- **a housing (as recited in Claim 1), as seen in Figure 1;**
- **the housing having a top portion (as recited in Claim 1), Figure 2, reference number 13;**
- **the housing having a bottom portion (as recited in Claim 1), Figure 2, reference number 21;**
- **the housing including an interchangeably mounted illumination assembly (as recited in Claim 1), Figure 1, reference number 11;**
- **the top and bottom portions being releasably engaged (as recited in Claim 3), as evidenced by Figure 2;**
- **a chamber (as recited in Claim 3), as seen in Figure 2;**
- **the chamber being defined by the front and back portions when engaged (as recited in Claim 3), as seen in Figure 2;**
- **the chamber containing operational components of illumination device (as recited in Claim 3), as seen in Figure 2;**
- **the bottom portion receiving a terminal (as recited in Claim 7), Figure 2, reference number 25;**

- **the terminal including projections for carrying electrical contact pads (as recited in Claim 7), Figure 2, reference number 25a;**
- **the top portion mounting electrical contacts (as recited in Claim 7), Figure 2, reference number 17;**
- **the electrical contacts being connected to a power source (as recited in Claim 7), inherent;**
- **the power source being external to the housing (as recited in Claim 7), as evidenced by Figure 2;**
- **the top portion guiding the projections of the terminal into engagement with the electrical contacts to form at least a portion of an electrical circuit, upon engagement of the bottom and top portion (as recited in Claim 7), column 3, lines 28-35.**

14. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to include the connecting means of COHEN in the illumination device of WEGRZYN et al. to be able to easily and rapidly install or remove the electrical components to the external power source, as per the teachings of COHEN (see column 1, lines 13-25).

15. Claim s 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over WEGRZYN et al. (U.S. Pat. 6,019,477) in view of REYNOLDS (U.S. Pat. 6,129,440).

16. WEGRZYN et al. discloses an illumination device having:

- **a housing (as recited in Claim 1), as seen Figure 8;**
- **the housing having at least one concavity (as recited in Claim 1), Figure 8, reference number 90;**
- **the concavity being such that a movable optical assembly and a fixed optical assembly may be interchangeably mounted (as recited in Claim 1), inherent as evidenced by Figure 14;**
- **the housing having a front portion (as recited in Claim 3), Figure 2, reference number 10;**
- **the housing having a back portion (as recited in Claim 3), Figure 2, reference number 20;**
- **the front and back portion being capable of being releasably engaged (as recited in Claim 3), column 2, lines 44-47;**
- **a chamber (as recited in Claim 3), as seen in Figure 8;**
- **the chamber being defined by the front and back portions when engaged (as recited in Claim 3), as seen in Figure 8;**
- **the chamber containing operational components of illumination device (as recited in Claim 3), as seen in Figure 8;**
- **a test mechanism (as recited in Claim 8), column 2, lines 64 and 65;**

- **the test mechanism testing the status of operational components of the luminaire (as recited in Claim 8), column 2, lines 64 and 65;**
- **the test mechanism including a push button (as recited in Claim 8), Figure 1, reference number 38;**
- **the push button extending through an opening in the housing (as recited in Claim 8), as seen in Figure 1;**
- **a light source (as recited in Claim 8), Figure 1, reference number 40;**
- **the light source being disposed on a printed circuit board inside the housing(as recited in Claim 8), as evidenced by column 3, lines 1-5;**
- **a test switch dispose on the circuit board (as recited in Claim 8), column 3, lines 1-3;**
- **an element that engages the test switch upon depression of the push button (as recited in Claim 8), column 3, lines 1-3;**
- **the test switch initiating a test sequence (as recited in Claim 8), column 2, lines 64 and 65;**
- **the test mechanism including a base (as recited in Claim 8), Figure 1, reference number 36;**
- **an element that engages the test switch upon depression of the push button (as recited in Claim 8), column 3, lines 1-3;**

- **the push button, the base, and the element being integrally formed (as recited in Claim 9), as evidenced by Figure 1.**

17. WEGRZYN et al. discloses all the limitations of the claims, except:

- a test mechanism (as recited in Claim 8);
- the test mechanism testing the status of operational components of the luminaire (as recited in Claim 8);
- the test mechanism including a light-transmissive push button (as recited in Claim 8);
- the push button extending through an opening in the housing (as recited in Claim 8);
- the test mechanism including a light-transmissive base (as recited in Claim 8);
- the base being operable with the push button (as recited in Claim 8);
- a light emitting diode (as recited in Claim 8);
- the light emitting diode being disposed on a printed circuit board inside the housing (as recited in Claim 8);
- the base carrying light from the light emitting diode (as recited in Claim 8);
- a test switch disposed on the circuit board (as recited in Claim 8);
- an element that engages the test switch upon depression of the push button (as recited in Claim 8);

- the test switch initiating a test sequence (as recited in Claim 8);
- the push button, the base, and the element being integrally formed (as recited in Claim 9).

18. REYNOLDS discloses a switch operating structure having:

- **a push button (as recited in Claim 8), Figure 2D, reference number 20B;**
- **the push button including a light-transmissive base (as recited in Claim 8), Figure 2D, reference number 31E;**
- **the base being operable with the push button (as recited in Claim 8), as seen in Figure 2D;**
- **a light emitting diode (as recited in Claim 8), Figure 5, reference number 52;**
- **the light emitting diode being disposed on a printed circuit board inside a housing(as recited in Claim 8), as seen in Figure 5;**
- **the base carrying light from the light emitting diode (as recited in Claim 8), column 6, lines 8-13;**
- **a test switch dispose on the circuit board (as recited in Claim 8), Figure 5, reference number 50;**
- **an element that engages the test switch upon depression of the push button (as recited in Claim 8), column 5, lines 36-38;**

- **the push button, the base, and the element being integrally formed (as recited in Claim 9), as seen in Figure 3D.**

19. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to use the push button structure of REYNOLDS in the illumination device of WEGRZYN et al. to provide such device with a push button having integrated illumination means to facilitate locating the push button and the simplify the push button/indicator light structure of WEGRZYN et al..

20. In addition, the examiner takes Official Notice that the use of LEDs is old and well known in the illumination art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute an LED for the light source in the system of WEGRZYN et al.. One would have been motivated since LEDs are recognized in the illumination art to have many desirable advantages, including reduced size, high efficiency, low power consumption, long life, resistance to vibrations, and low heat production, over other light sources.

Relevant Prior Art

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Darling et al. (U.S. Pat. 3,772,527), **Terrell** (U.S. Pat. 4,380,792), **Fenne** (U.S. Pat. 4,447,863), **Russello et al.** (U.S. Pat. 5,339,234), **Chen** (U.S. Pat. 5,605,394), **Logan et al.** (U.S. Pat. 5,797,673), **Wegrzyn et al.** (U.S. Pat. 6,045,242), **Logan** (U.S. Pat. 6,193,395) and **Kim** (U.S. Pat. 6,741,324) disclose housing for luminaries, such housings including front and back portions releasably engageable to one another, the housing also including at least one concavity where an optical assembly is mounted.

Anderson (U.S. Pat. 2,273,167), **Lombardo** (U.S. Pat. 2,863,038), **Hjelseth, Jr.** (U.S. Pat. 2,942,227), **Seiter et al.** (U.S. Pat. 3,739,226) and **Reed, Jr.** (U.S. Pat. 4,661,892) disclose illumination devices having power source connector means including a plurality of projecting electrical contacts and a socket portion for mattingly receiving the electrical contacts, and providing an electrical connection to an exterior power source.

Obata et al. (U.S. Pat. 4,778,966) discloses a push button operating member including light guiding means for conducting light from a remote light source to the front face of the operating member.

Conclusion

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (571) 272-2378. The facsimile machine number for the Art Group is (703) 872-9306.

23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications maybe obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.


Inr



**THOMAS M. SEMBER
PRIMARY EXAMINER**

July 8, 2005